

REMARKS

In the above-noted Official Action, claim 1 was rejected under 35 U.S.C. §103(a) over TAITLER(U.S. Patent No. 6,418,823) in view of BERNER (U.S. Patent No. 4,751,949). Claims 2-5 and 18 were rejected under 35 U.S.C. §103(a) over TAITLER in view of BERNER, and further in view of MAYNARD (U.S. Patent No. 5,269,739). Claim 15 was objected-to as being dependent upon a rejected base claim, but was otherwise indicated as allowable if rewritten into independent form to include all of the limitations of the base and any intervening claims. Claims 6-14, 16 and 17 were indicated as allowable.

Upon entry of the present amendment, Applicants will have added a new dependent claim to depend from independent claim 1. Applicants respectfully submit that the new dependent claim does not add new subject matter to the present application. Rather, the new dependent claim has been added to more clearly define the nature of the tilt that is controlled by the "support" recited in claim 1. Accordingly, for the reasons set forth below, Applicants respectfully request entry of claim 19 and an indication of the allowability thereof.

In view of the herein-contained remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections, as well as an indication of the allowability of each of the claims now pending.

Applicants respectfully traverse the outstanding rejection of claim 1 under 35 U.S.C. §103(a). In this regard, claim 1 recites a "cutting apparatus comprising a column and a

support supporting a cutting blade, said support being configured to control a tilting angle of the cutting blade in a blade length direction". In contrast, TAITLER merely discloses at column 5, lines 27-42, and with respect to Figures 4A and 5, that a "motor 21 [is] fixed in a housing of the slice cutter 22 and a suitable rotating screw (not shown) which in turn conveys a bracket. A slice cutting blade 24 is mounted on the bracket. The screw is attached to the motor's shaft at one end and to a housing at the opposite end, so converting the rotary movement to linear displacement of the bracket" (emphasis added).

In other words, the bracket is displaced linearly commensurate with displacement of the screw within the housing. Furthermore, the blade 24 in Figure 5 of TAITLER is shown to be fixed to the bracket and extending outward from the housing via the bracket. Accordingly, TAITLER discloses that the blade is moved linearly by rotation of the screw. However, TAITLER does not provide any mechanism that would be capable of controlling the tilting angle of the blade, as the tilting angle of the blade is fixed by the attachment of the blade to the bracket. In this regard, Applicants note that the outstanding Official Action admits that "Taitler, however, does not teach the support being configured to control the tilting angle of the blade". However, the outstanding Official Action asserts that "Berner teaches varying the cutting angle to ease the tension on the blade during the cutting process".

Applicants submit that the outstanding Official Action does not show how TAITLER could be modified, using the teachings of BERNER, in a way that would obtain the invention

recited in claim 1, let alone that such modifications are suggested in the prior art. Rather, the outstanding Official Action merely asserts that BERNER teaches the isolated feature of controlling a cutting blade in a blade length direction. In this regard, Applicants respectfully submit that the only motivation to combine the isolated and contradictory teachings of TAITLER and BERNER is the motivation to improperly obtain Applicants' claimed invention in hindsight. For example, the necessary modifications to TAITLER would not appear to be possible without destroying the teachings intentionally set forth therein. Additionally, the fact that extensive modifications to TAITLER would be necessary to obtain the present invention would be motivation not to modify the housing, the bracket, and the blade of TAITLER to obtain the claimed invention.

In particular, the entire configuration in TAITLER of the housing, the cutting blade 24, the bracket, the screw and the motor 21 is designed to ensure that the bracket and the cutting blade 24 are linearly moved within the housing. The linear movement of the screw through the housing ensures that it would be difficult to reconfigure TAITLER with a support "being configured to control a tilting angle of the cutting blade" in a blade length direction, as is recited in claim 1. Rather, any additional mechanism for controlling a tilting angle of the cutting blade would appear to interfere with the screw and the bracket. Additionally, either the fixed attachment of the blade 24 and the linearly-movable bracket would have to be eliminated and replaced, or the blade and bracket would have to be tilted

together, so that the tilting angle of the blade 24 could be controlled in a blade length direction. However, there is no suggestion in TAITLER that the fixed attachment of the blade to the bracket is optional. Moreover, any apparatus for tilting the blade and bracket together would appear to interfere with the screw and apparatus inside the housing of the slice cutter 22. Accordingly, for each of the reasons noted above, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to attempt any of the numerous modifications to TAITLER that would be necessary to obtain the invention recited in claim 1.

In any case, Applicants additionally assert that BERNER does not disclose "a support being configured to control a tilting angle of the cutting blade in a blade length direction" (emphasis added). Rather, BERNER only discloses a "knife-like blade oriented with regard to the angle of cutting to run between 70 and 30 degrees to the direction of fiber and grain" (see column 1, lines 25-29). As is shown in the figures of BERNER (from the side of the blade in Figures 1, 3 and 4; from the front at a partial elevation in Figure 2), the adjustments of the blade-angle in BERNER are not in the direction of the length of the blade. Rather, as the blade pivots in any embodiment of BERNER, the blade would only move in a vertical (height) direction and a depth direction. Accordingly, BERNER only discloses the oblique orientation of the blade that is variable in a height and depth direction of the blade, but not in a blade length direction as recited in claim 1.

Applicants have added claim 19 to further define the tilting of the cutting blade as recited in claim 1. In particular, Applicants have defined the cutting blade as tilting in a plane of the cutting blade. Claim 19 highlights even more the differences between the claimed invention and the apparatus disclosed in, e.g., BERNER. As is noted above, the tilting of the cutting blade recited in claim 19 has been defined to be within a plane of the blade.

Accordingly, Applicants respectfully submit that neither TAITLER or BERNER disclose controlling a "tilting angle of the cutting blade in a blade length direction" as recited in claim 1. Therefore, even modification of the apparatus of TAITLER with the teachings of BERNER would not obtain the invention recited in claim 1. Moreover, as is noted above, Applicants respectfully submit that modification of TAITLER, in the manner necessary to obtain the invention recited in claim 1, has not been shown to be possible, let alone suggested by the references. Rather, TAITLER explicitly discloses only that the blade moves linearly with the screw via a fixed attachment to the bracket, while the necessary modifications would appear to interfere with such linear movement of the blade.

Accordingly, Applicants respectfully assert that at least the above-noted features of claim 1 are not disclosed or suggested by any possible combination of TAITLER and BERNER. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) over TAITLER and BERNER.

Applicants further submit that each of claims 2-5, 15 and 18 are patentable, at least because each depends, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own particular recitations. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-5 and 18 under 35 U.S.C. §103(a) as well as the objection to claim 15.

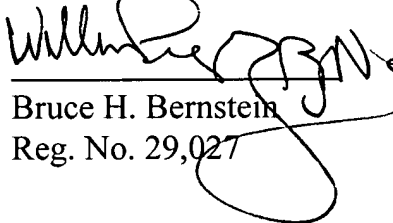
Accordingly, for all of the reasons set forth above, Applicants submit that the features of each of claims 1-19 of the present invention are not disclosed or suggested by the references applied by the Examiner. At least for the above-noted reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of claims 1-5 and 18 and the objection to claim 15, and an indication of the allowability of each of the claims now pending, in due course.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have pointed out features of the claims not disclosed or suggested by the references applied by the Examiner. Accordingly, Applicants respectfully submit that an indication of the allowability of all the claims now pending in the present invention would now be appropriate.

Should the Examiner have any questions or comments regarding this response or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Hisashi YASODA et al.


Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191